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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,607	11/10/2003	Daniel Holt	12929.1106US01	4697
23552	7590	01/18/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SCHULTERBRANDT, KOFI A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/705,607

Applicant(s)

HOLT ET AL

Examiner

Kofi A. Schullerbrandt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This second Office Action is in response to Applicant's Amendment received in the Office on December 21, 2004 in this case.

#### ***Claim Rejections - 35 USC § 112***

Claims 11 and 18-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 11, the feature "the stove including a plurality of panels that define an enclosed combustion chamber" does not appear to be disclosed in the original disclosure. Furthermore, in claim 18, the feature "moving the bolt between the first and second bolt receiving apertures without engaging the legs" does not appear to be originally disclosed. Claims 18-22 have been rejected below on art as best as can be understood.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

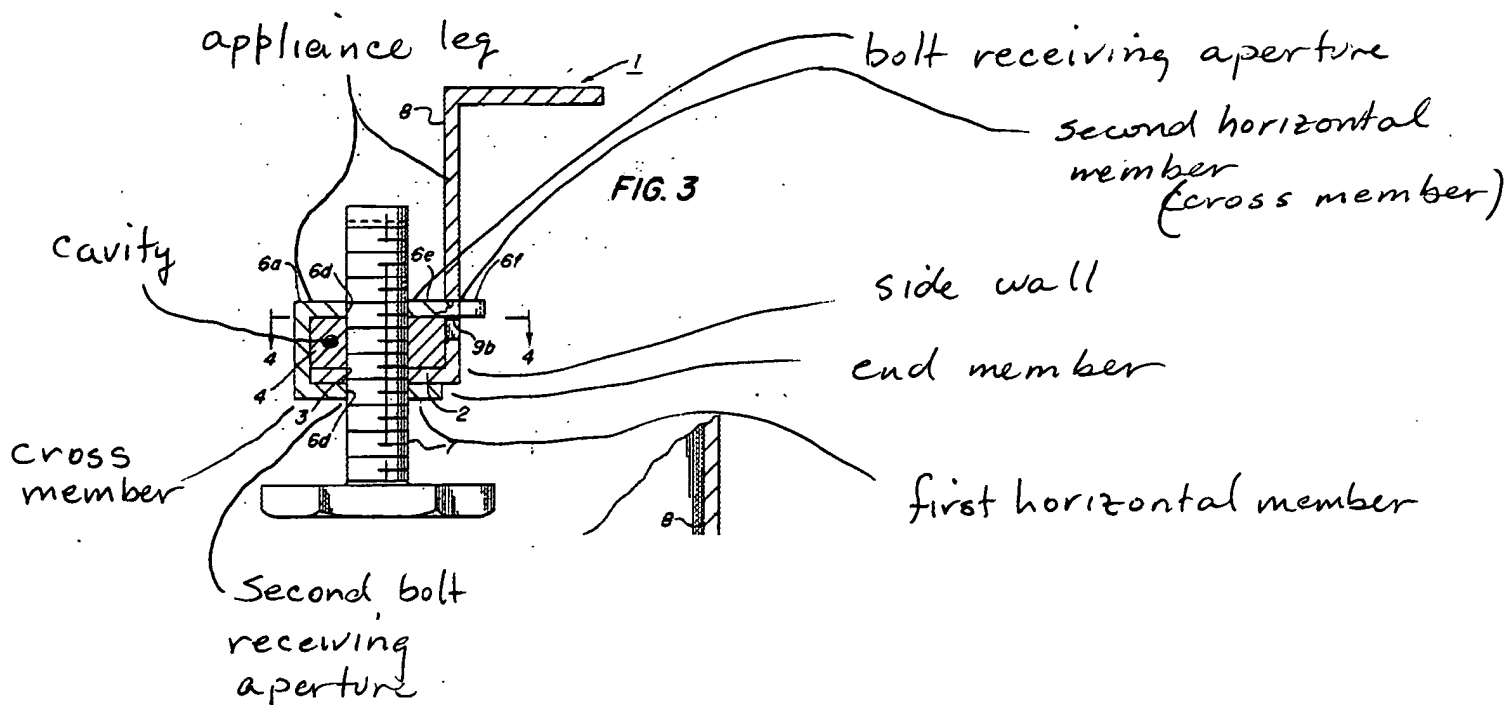
A person shall be entitled to a patent unless –

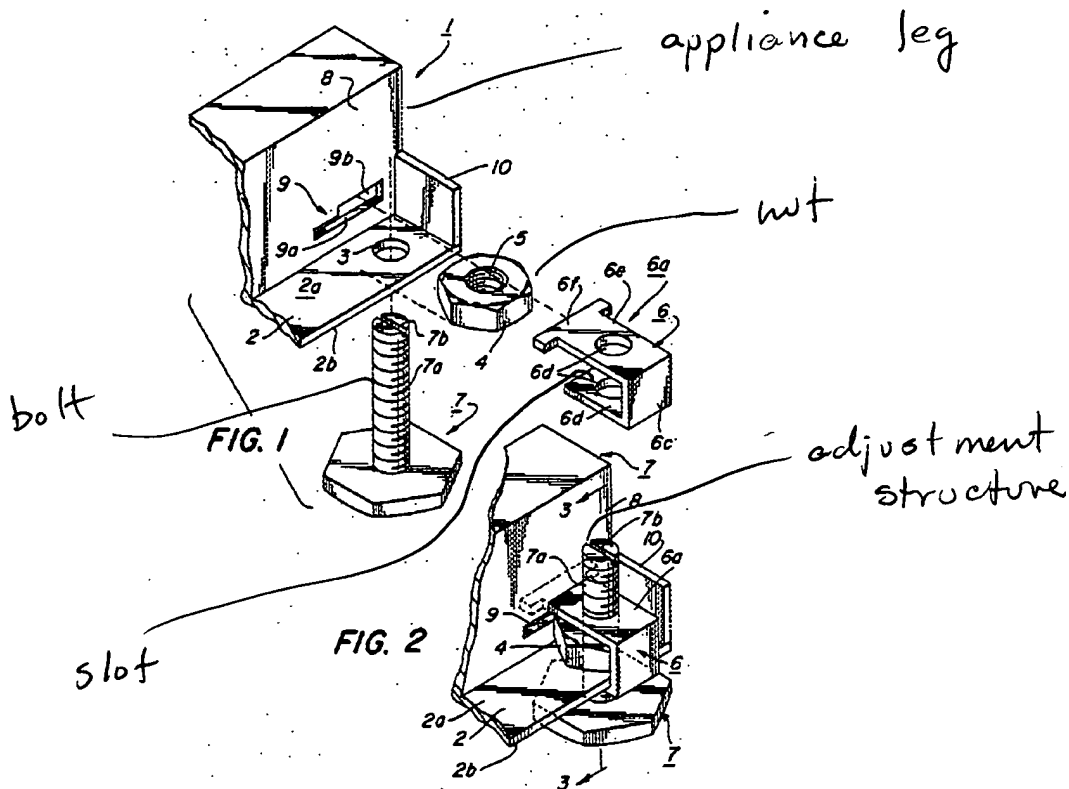
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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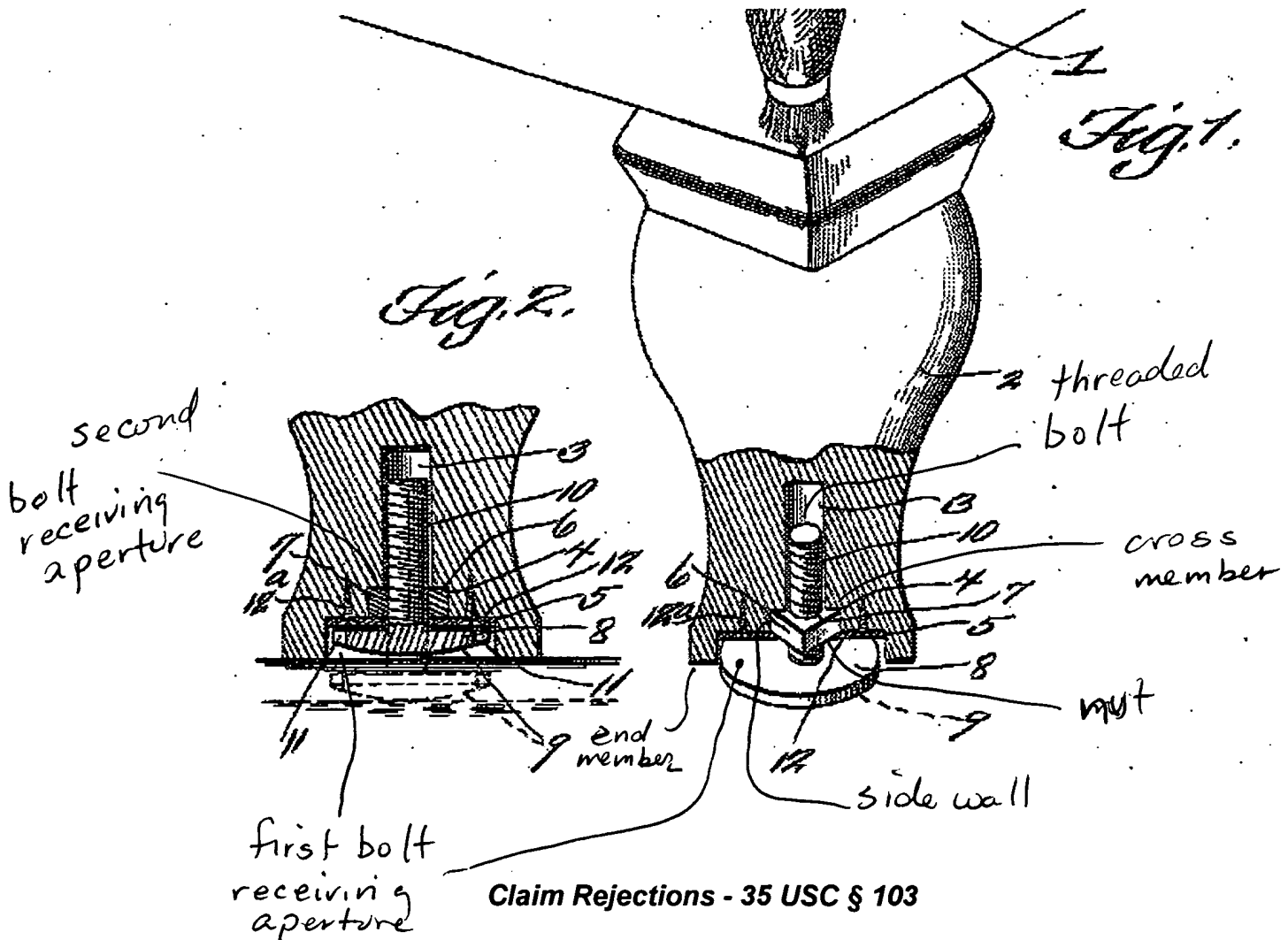
Claims 1-7, 9 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by White (4,915,334). White teaches each feature of the claimed invention as shown below. White clearly inherently teaches each of the following method steps: 1) positioning the nut in the nut receiving structure thereby retaining the nut; 2) threading the bolt into the threaded aperture of the nut by engaging the adjustment structure (7b) to rotate the threaded bolt relative to the nut; 3) moving the bolt through the bolt receiving aperture without engaging the bolt; and 4) moving the nut into the slot.

Regarding claims 7 and 9, "integrally formed as a single piece" is interpreted to mean that separate pieces are assembled to form a single integral piece.





Claims 18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wooley (1,178,695). White teaches each feature of the claimed invention as shown below. Regarding claims 18 and 22, Wooley also inherently teaches each step of the claimed method. In other words Woodley clearly teaches a structure that must be assembled and used in the claimed manner.



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over White (4,915,334), in view of Wooley (1,178,695). White teaches, substantially, each feature of the claimed invention as discussed above. White teaches a hexagonal (six-sided)

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nut but does not teach a square (four-sided) nut. Wooley, however, teaches a square nut. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified White's nut shape to be square as taught by Wooley instead of hexagonal as both shapes would function equivalently as long as there was one flat side to mate with a flat side of the nut receiving structure.

Claims 1-7, 9-12, 14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibodeau (5,241,948), in view of White (4,915,334). Thibodeau teaches, substantially, each feature of the claimed invention. Thibodeau does not teach the claimed leveling system. White, however, teaches the claimed leveling system as discussed above. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Thibodeau to utilize White's leveling system as both Thibodeau's and White's leveling systems would function equivalently.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibodeau (5,241,948), in view of White (4,915,334) and Wooley (1,173,695). Thibodeau and White teach, substantially, each feature of the claimed invention. Neither Thibodeau nor White teach a square nut. Wooley, however, teaches a leveling system utilizing a square nut. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified White's nut shape to be square as taught by Wooley instead of hexagonal as both shapes would function equivalently as long as there was one flat side to mate with a flat side of the nut receiving structure which White satisfies.

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Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over White (4,915,334), in view of Burgess (4,248,271). White teaches, substantially, each feature of the claimed invention as discussed above. White does not teach an Allen wrench connection having five side walls. Burgess, however, teaches an Allen wrench connection (18 and 19). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified White's screw driver connection to be an Allen wrench connection as taught by Burgess as both connections would work equivalently in White's invention. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention to have provided an Allen wrench connection with three or more side walls as three or more sidewalls would work equivalently and satisfactorily.

### ***Examiner's Response to Applicant's Arguments***

Applicant's Remarks have been carefully considered. The rejections above have been made with this consideration in mind.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not




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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m.,

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kofi Schulterbrandt  
January 11, 2005

  
**KORIE CHAN**  
**PRIMARY EXAMINER**